

UNITED STATES DISTRICT COURT

District of Massachusetts

UNITED STATES OF AMERICA

v.

EDMOND P. LAFRANCE,
Defendant.

JUDGMENT IN A CRIMINAL CASE

Case Number: **1: 16 CR 10090 - IT - 1**

USM Number: 17310-038

Paul V. Kelly

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) Counts 1s to 5s

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §§ 1343 & 2	Devised a scheme and artifice to defraud by wire communication	08/27/12	1s
18 USC §§ 1343 & 2	Devised a scheme and artifice to defraud by wire communication	09/20/13	2s
18 USC §§ 1957 & 2	Wire Fraud	01/22/15	3s
18 USC §§ 1957 & 2	Wire Fraud	05/13/15	4s
18 USC §§ 1957 & 2	Wire Fraud	09/04/15	5s

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

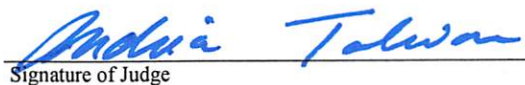
☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/13/2017

Date of Imposition of Judgment



Signature of Judge

The Honorable Indira Talwani
U.S. District Judge

Name and Title of Judge

6/16/17

Date

DEFENDANT: EDMOND P. LAFRANCE, Defendant.
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 24 month(s)

This term consists of terms of 24 months on each count, to be served concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

The court recommends that the defendant be designated to FMC Devens.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: EDMOND P. LAFRANCE, Defendant.
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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : 3 year(s)

This term consists of terms of 3 years on each count, such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant is to reside for a period of 6 months in a Residential Re-Entry Center, and must observe the rules of that facility.
2. The defendant may use one laptop or desktop computer and one smartphone device for the purpose of accessing the Internet and sending and receiving e-mail and text messages. He may use a web-based e-mail service and a web-based text messaging service that preserves messages. Before using any such service, he will provide the name of the URL of the service, screen user name, account and password to the Probation Office.
3. The Probation Office may search the defendant's laptop or desktop computer, smartphone device, or approved web-based service at any time to ensure compliance with the conditions of supervision and may request that the devices be brought to the Probation Office for that purpose. In order to facilitate the Probation Office's review of the laptop or desktop computer and smartphone, the defendant will provide the Probation Office all credentials needed to access the devices and any software programs, including login information, user names and passwords for any e-mail accounts or text messaging accounts which he uses.
4. The Probation Office may examine any e-mail messages or text messages created after the date supervision commences, other than ones sent to or received from one of his attorneys. The Probation Office will take reasonable care to avoid reviewing or examining any information that may be protected from disclosure by the attorney-client privilege or the attorney work product doctrine. The Probation Office shall not disclose the contents of e-mails, text messages, or other files or information that is examined to individuals outside U.S. Probation and Pretrial Services unless it is determined that the contents may evidence violations of criminal law or the defendant's conditions of supervision. The Probation Office should only review or search the defendant's devices, e-mail, or text-messaging accounts in the defendant's presence. Upon notice from the Probation Office that examination is sought, the defendant shall immediately, and without exception, cease all use of, or access to, e-mail, the internet, and text-messaging until such review or search is conducted.
5. The defendant shall not communicate with anyone outside of the United States without prior approval of his supervising probation officer.
6. The defendant is prohibited from opening any bank accounts without approval of the Probation Office.
7. The defendant is prohibited from accepting any investment funds or consultant fees without approval of the Probation Office.
8. The defendant is prohibited from incorporating, registering, or establishing any corporate entities/ businesses without the approval of the Probation Office.
9. Prior to accepting any form of employment/consulting position, the defendant must seek the approval of the Probation Office, in order to allow the Probation Office the opportunity to assess the level of risk to the community he may pose if employed in a particular capacity.
10. The defendant must pay the balance of the restitution imposed according to a court-ordered repayment schedule.
11. The defendant is prohibited from incurring new credit charges or opening additional lines of credit or borrowing without the approval of the Probation Office while any financial obligations remain outstanding.
12. The defendant must provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the U.S. Attorney's Office.
13. No wire transfers shall be made into or out of any bank account on which the defendant may have signature privileges, including in his personal name, Natural Waters and FMR Systems, Inc.
14. The defendant shall make no ach transfers or checks written to individuals in excess of \$1500 other than for living expenses and attorney's fees and expenses, without the approval of the Probation Office.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 500.00	\$ 0.00	\$ 387,802.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
VNS 5163588	\$48,500.00	\$48,500.00	
VNS 5163586	\$197,500.00	\$197,500.00	
VNS 5163590	\$24,300.00	\$24,300.00	
VNS 5163591	\$70,000.00	\$70,000.00	
VNS 5163589	\$47,502.00	\$47,502.00	
	\$ 387,802.00	\$ 387,802.00	

TOTALS

☒ Restitution amount ordered pursuant to plea agreement \$ 387,802.00

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 500.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Payment of the restitution shall begin immediately and shall be made according to the requirements of the Federal Bureau of Prisons' Inmate Financial Responsibility Program while the defendant is incarcerated. Payment of the restitution during the term of supervised release will commence within 60 days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time. All restitution payments shall be made to the Clerk, U.S. District Court for transfer to the identified victims. The defendant shall notify the United States Attorney for this district within 30 days of any change of mailing or residence address that occurs while any portion of the restitution remains unpaid.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.